

# 1

## The Roots of the Laws

Perhaps the most ready assumption of any reader of the *Laws*—if only because of its title—is that its primary purpose is to provide a philosophically criticized code of law.<sup>1</sup> Although the mere quantity of words is not a sufficient indicator of the leading subject of a great written work, it is worth noting that, as E. B. England, the author of the most authoritative commentary on the Greek text of the *Laws* has observed, at least two-thirds of the *Laws* is taken up with “talk about the laws” as opposed to “actual legislation.”<sup>2</sup> If jurisprudence is the art of “actual legislation,” what is the bulk of the *Laws* concerned with when it is taken up with “talk about the laws”? In section 1, I distinguish the jurisprudential art of inferring laws from the rhetorical art of defending the opinions and actions that law inculcates (the art of *kalâm*). I also distinguish the popular art of defending these fundamental opinions and actions, or roots, from the philosophic art of defending them. The latter art presupposes an inquiry into the purposes of the laws, i.e., political science; the former art does not. Thus, the “talk about the laws” that takes place in this Platonic dialogue proves to be twofold: First, it is an inquiry into the roots (political science); second, it is an art of defending them (*kalâm*).

In section 2, I clarify *why* the leading subject of the *Laws* is not jurisprudence but rather political science and *kalâm*. Jurisprudence presupposes that the lawgiver has already laid down the law. According to Alfarabi, Plato’s objective is more profound than merely inferring laws on the basis of the preexisting purposes of the lawgiver. By inquiring into the purposes of law, political science enables human beings to revise the law and to defend it properly.

In section 3, I explain that the philosophic defense of the revised law or the philosophic art of *kalām* takes the form of a *metaphysica specialis* or theology. This theology is frequently misconstrued as if it were intended to be a demonstrative *metaphysica specialis* rather than a rhetorical defense of law. Alfarabi shows in his *Book of Letters* that even the theology in bk. *Lambda* of Aristotle's *Metaphysics* (which is still viewed generally as his attempt to provide a demonstrative *metaphysica specialis*) is a piece of *kalām*. Even the apparently apolitical *Metaphysics* cannot escape the political task of defending the law. Aristotle in bk. *Lambda*, like Plato in bk. 10 of the *Laws*, presents a theology in which the gods show little concern for human things. Indeed, the gods seem to have only one task: the guidance of perhaps the most regular feature of nature, the motion of the heavenly bodies. Although the political content of Aristotle's theology is negative—astral gods are not concerned with the affairs of human beings—his theology is highly political. It promotes human self-reliance, especially in the realm of politics. Thus, the belief in astral gods promotes the formation of certain kind of souls. In sum, the purpose of this theology is essentially psychological or political.

In section 4, I offer crucial textual evidence from the *Summary* that the intention of Plato's theology is essentially political rather than metaphysical.

### 1. Jurisprudence and *kalām*

In the *Enumeration of the Sciences*, Alfarabi defines the art of jurisprudence (*fiqh*) as inferring decisions from the laws already laid down by the Lawgiver (*wāḍī' al-sharī'ah*) as well as from his purpose in legislating. The Lawgiver's purpose is to inculcate belief in certain opinions and to command certain actions. Because religion and law are so inextricably bound up with one another in Islam, the opinions and actions that are inculcated and commanded are opinions "about God . . . and His attributes, about the world, and so forth, . . . actions by which God . . . is magnified, and . . . actions by means of which transactions are conducted in cities."<sup>3</sup> In the *Enumeration*, Alfarabi describes the political phenomena as he finds them in his community. The highest opinions—in this case the opinions about God—are the highest purpose of the Lawgiver. His highest purpose is not political. As has been suggested by others, this emphasis on the divine purpose is especially pronounced in the monotheistic religions. In such religions, the divine Law shapes political life for the sake of religion.<sup>4</sup>

After describing jurisprudence in the *Enumeration*, Alfarabi goes on to describe an art of "defending" (*nuṣrah*) these fundamental opinions and actions (or "roots") called *kalām*. Of course, there are different ways of defending things. One may defend something with blind devotion and a willingness to use

any weapons one might lay one's hands on. Or one might defend something only after having inquired into whether it is sound. The *Enumeration* describes an art of *kalām* of the former kind. The practitioners of *kalām* (*mutakallimūn*) described therein willingly adopt arguments that "our intellects reject" and themselves eagerly deny "the testimony . . . of the objects of sense."<sup>5</sup> These *mutakallimūn* by denying the evidence of the senses and the intellect prove that they are not friends of the philosophic sciences. Consequently, Alfarabi describes the sciences he presents in the *Enumeration*, including *kalām*, as the "generally known" (*mashhūrah*) sciences.<sup>6</sup> Although the art of *kalām* described in the *Enumeration* is hostile to the philosophic sciences, is it not possible that there exists an art of *kalām* that is not hostile to the evidence provided by the senses and intellect?

In the opening of the ninth discourse of his *Summary*, Alfarabi says that the earlier books of the *Laws* (bks. 1–8) presented a "discussion" (*kalām*) of the roots of the laws. In other words, bks. 1–8 contain Plato's art of *kalām*. Because Plato is a philosopher, his art of *kalām*, unlike that described by Alfarabi in the *Enumeration*, does not contradict the guidance of the intellect or sensation.<sup>7</sup> Not only does Plato avoid using whatever weapon comes to hand, he also begins by inquiring into the soundness of the roots before he takes the field in their defense. The Platonic art may be called the philosophic, as opposed to the "generally known," art of *kalām*.

Alfarabi's announcement that bks. 1–8 present Plato's art of *kalām*, however, is somewhat disconcerting. The Athenian Stranger offers his leading theological arguments in bk. 10. Is not *kalām* usually understood to be "theology"? There seems to be a ready solution to this whole problem. In the conclusion of the *Summary*, Alfarabi says himself that there were discourses or books of the *Laws* that he was not in a position to copy. The *Summary* breaks off its interpretation of the *Laws* early in bk. 9 (864c10). Alfarabi, it appears, was simply ignorant of bk. 10. He must go to great lengths, then, to describe Plato's art of *kalām* in his summary of bks. 1–8. As Leo Strauss has shown in his "How Farabi Read Plato's *Laws*," however, Alfarabi is highly reticent about God or the gods in discourses 1–8. Above all, although the Athenian presents his brief version of the theological prelude to the laws as a whole in bk. 4, Alfarabi in contrast is nearly silent about God or the gods (in disc. 4). He describes the books he summarizes, bks. 1–8, as Plato's "discussion" (*kalām*) of the roots of the laws. Why then is he not more taken up with "theology"? To understand this riddle of riddles in the *Summary*, recall that Alfarabi's foremost purpose is not to reproduce the content of the *Laws* but rather to describe what Plato "intended" (*qaṣada ilā*) to explain. Although Plato presents certain fundamental theological opinions and actions (or roots) in bk. 10 as well as bk. 4, his intention in doing so is political. His account of the gods in bk. 10 should not

be construed, as his scientific doctrine about gods or demonstrative *metaphysica specialis*.

In the popular religion described in the *Enumeration*, the fundamental opinions and actions are synonymous with the ultimate purpose of the Lawgiver. His highest purpose is to inculcate certain beliefs about God. In contrast, in the philosophic religion described and defended in the *Laws*, the fundamental opinions and actions are not synonymous with the ultimate purpose of the philosophic legislator. The highest communal purpose of the philosophic legislator is instead the political well-being of the community. Alfarabi's object is to reveal the political purpose of Plato's *kalām*. This inquiry into the political purpose of the law's roots is the element of the *Laws* that deserves to be called political science. The whole of the *Summary* deserves to be called political science.

Plato formulates a theology only in conjunction with an inquiry into the law's purpose. The popular *mutakallimūn* receive the religion they are given and defend it with unquestioning faith. In contrast, the philosophic *mutakallimūn* (like Plato) scrutinize their community's religious law with an eye to its political well-being. Because Plato's *kalām* involves scrutiny or inquiry, the Athenian Stranger (the leader of the dialogue) describes bks. 1–8 as a process of "educating the citizens" (857e6). He contrasts this process of education with the juristic activity of inferring legislation. The inquirer into the purpose of the roots is compared to a doctor (who is a free man) treating free human beings. The latter engages the patient in a dialogue "using arguments that come close to philosophizing, grasping the disease from its source, and going back up to the whole nature of bodies" (857d2). As the doctor treats bodies, so does the legislator treat souls. Inquiring into the purposes of the roots is inquiring into the nature and the disease of the soul. This inquiry not only is a kind of prelude to the act of legislating, but it takes place within the preludes to the laws. Plato's free doctor was originally (in bk. 4) analogous to the prelude; the slave doctor was analogous to legislation proper. Thus, when in bk. 9 the Athenian describes his educational activity as a philosophic *mutakallim* on analogy to the activity of a free doctor, he is also alluding to the educational role of the prelude.

But in bk. 4 the prelude was said to be analogous to the free doctor not so much in his capacity as educator but as persuader. There the Athenian suggests that the prelude persuades where the law coerces. Alfarabi's interpretation of this passage in bk. 4 explains that preludes serve both an educational and a persuasive purpose. He describes a few kinds of preludes, only one of which is the Athenian's persuasive prelude. Alfarabi calls it the "imposed" (*taklīfiyyah*) prelude. Preludes of this kind "are like proclamations effected through discussion [*kalām*] and clarifications by means of arguments [*mujādalāt*]" (disc. 4.16). The reader who attends to the bracketed Arabic terms will recognize this form of "discussion" as our art of *kalām*. The other element, the arguments, are specifically dialectical arguments (dialectic is called *jadāl* in Arabic). The inquiry

into the purpose of the laws takes on a dialectical form in the *Laws* and *Summary*. Alfarabi's dialectic, like Plato's, takes as the premises of its arguments commonly accepted opinions about divine law and its purposes. This dialectical inquiry into the purposes of divine law is political science. The intimacy of the relation between *kalām* and political science is exemplified by the fact that "discussion" (*kalām*) and "[dialectical] arguments" (*mujādalāt*) are merely two different aspects of the prelude to the law.

In the *Laws* even the inquiry into the purposes of the law (political science) is therefore not strictly rational or demonstrative; rather, it is dialectical. The purposes themselves are not strictly rational, because the way of life advocated by the law is not strictly rational. Of course, if even the inquiry into the purposes is not strictly rational, we should hardly expect that the defense (*kalām*) of this way of life would be strictly rational.<sup>8</sup> Although the purposes of the laws are essentially psychological rather than metaphysical, this does not make them rational. The closest the *Laws* comes to giving a rational description of a rational way of life is to point beyond the way of life advocated by the law to the philosophic way of life. (In contrast is the *Republic*, where the philosophic way of life is a prominent theme.)

In a discussion of *kalām* that owes a great deal to Alfarabi's, Maimonides traces the historical origins of (generally known) *kalām* in the Muslim community to the *kalām* of the Christian community, especially in Greece and Syria where philosophic ideas had a wide currency. He suggests that *kalām* arose in an effort to oppose philosophic opinions that "ruined the foundations (*qawā'id*) of their Law."<sup>9</sup>

In Alfarabi's community (as well as Maimonides'), popular *kalām* views philosophy as an enemy of the law. This is inevitable in view of the subphilosophic character of law. This animosity, however, is especially marked in monotheistic communities in general. Indeed, it may account for the fact that these communities have an independent art of *kalām*—in contrast, for instance, to Plato's community. The animosity stems from each monotheistic community's claim to be the one true religion or divine law. This claim in turn stems from the belief that there is one and only one God rather than a loosely structured, often shifting pantheon of gods. The divine laws of the monotheistic communities lay claim to an incomparable degree of authority.<sup>10</sup> Any threat to the authority of such a law—and philosophy was perceived to be such a threat by the early Greek and Syrian Christians—was bound to evoke a greater response than it did in ancient Greece. Although a generally known *kalām* did not have as distinct an existence in ancient Greece as it did in Alfarabi's community, I intend to show that Plato's *Laws* contains his philosophic art of *kalām*.<sup>11</sup>

Perhaps one may wonder why we (members of modern secular regimes) cannot merely dispense with *kalām* so that we might pursue independently the dialectical inquiry into the purposes of the law's roots or political science. The

reason is that this inquiry runs the risk of undermining the law's authority.<sup>12</sup> All written laws rest upon certain fundamental moral opinions, whether they are explicitly religious in character or not. Although Alfarabi defines *kalām* as an art that defends a divine law or religion, one need not argue that the U.S. Constitution rests upon a tacit civil religion in order to show that as a regime ruled by written laws our regime requires something like Alfarabi's *kalām*. In the *Enumeration* Alfarabi includes among the roots that *kalām* must defend not only opinions about God and actions directed toward God but also "actions by means of which transactions (*mu'āmalāt*) are conducted in the cities."<sup>13</sup> Even a regime, such as ours, that does not concern itself with its citizens' opinions and actions concerning God must provide a subphilosophic defense of its roots concerning human transactions. Written law as such requires a subphilosophic defense. Only if written law could become strictly rational could one make do without such a defense.

## 2. *Why are the roots the theme of the Laws and the Summary?*

Although legislation is the subject matter of the *Laws* as well as the *Summary*, both of these books focus on the highest aspect of legislation: namely, the defense of and the inquiry into the purposes of the roots.<sup>14</sup> As we saw above, this defense and inquiry are the activities of the philosophic *mutakallim*. Why, the reader may ask, is philosophic *kalām*, rather than the act of legislation, the subject matter of the *Laws*? Every legislator should take up the subject matter of philosophic *kalām* prior to legislating. To know what to legislate, the legislator must know what the purposes of legislation are. The act of legislation itself merely engages the limited kind of prudence that should be possessed by the jurispudent.<sup>15</sup> Once the purposes of legislation have been determined, then one needs merely a certain amount of experience with human beings to know what laws should be laid down to achieve these ends.

Let us turn to the opening of the *Laws* to understand better why the subject matter of philosophic *kalām* is the subject matter of the *Laws* and *Summary*. The Athenian Stranger asks his interlocutors (Kleinias and Megillus, a Cretan and Spartan, respectively) the following opening question: Who is the "cause" (*aitia*) of your laws, a god or some human being? As Alfarabi explains, this inquiry into the "cause" (*sabab*) is an inquiry into a specific kind of cause, namely, that of the "maker" (or agent, *fā'il*). The interchange between the Athenian Stranger and Kleinias offers a heterogeneous answer: First, Kleinias responds that it is most just to say that a god legislated the laws. Kleinias's answer seems to represent the most commonly accepted opinion among Cretans about the divine foundation of their laws. Thus, as stated in the introduction, Plato begins (in a phenomenological manner) with commonly accepted

opinion (rather than with metaphysical presuppositions). Second, the Athenian suggests that a hero, Minos, joined with Zeus in legislating for Crete. In contrast, as if to denigrate the human role in legislation, the Athenian mentions only in passing Lycurgus's role in legislating the Spartan laws, so well known to the modern reader from Plutarch (632d4). The Athenian's mention of the semihuman hero, however, leaves us from the start with a heterogeneous and indecisive answer to the Athenian's own opening question.<sup>16</sup>

Why is it more just to say that the god, rather than some human being, legislated? The preliminary answer to this question is obvious. All people are more willing to obey a law that they believe is sanctioned, indeed legislated, by a god. The gods are more able to guarantee that the unjust—who, as anyone can see, frequently slip through the hands of the human authorities—will be punished. The gods should guarantee vengeance.

Leaving justice aside, who really legislates? This question also has an obvious preliminary answer for the modern reader. Let us restrain our desire for immediate answers, however. Although Plato and Alfarabi may have a similar answer to this question, the way in which they answer it is instructive. As I have said, Kleinias is led to answer in a heterogeneous manner the question of who is the cause of the laws. The very heterogeneity, and consequent insufficiency, of the answer leaves it as an unresolved matter. At first it might appear that this matter has been shunted into the background: The Athenian gains his companions' assent to undertake a discussion of the political regimes and laws. But, as the dramatic setting—an ascent to the cave where Minos received from Zeus the laws of Crete—suggests, the questions of how, in what sense, and why human beings are said to receive their laws from gods will continue to be addressed, if only in the background, throughout the dialogue. It is for this reason that the *Laws* was described by Alfarabi's student Avicenna as the treatment of prophecy and the divine Law.<sup>17</sup>

Not long after the opening section on the "maker" of the laws, Alfarabi takes up the question anew in the form of an inquiry into the identity of the true legislator (disc. 1.14). In the passage Alfarabi summarizes (639a2 ff.), the Athenian attempts to draw analogies between the sober ruler's art of rule over the drinking party and the art of rule of a goatherd over a herd, a captain over a ship, and a general over an army. Alfarabi treats the sober art of rule over the drinking party as analogous to the legislator's art. Alfarabi piously asserts that the true legislator is distinguished from the false one by virtue of his having been created (*khalq*) and equipped for his purpose by God (*Allāh*). Alfarabi does not say that God reveals the law to the true legislator, but merely that the true legislator (the sober ruler) is endowed differently from the false legislator (drunk ruler) from birth, as the term *khalq* suggests.<sup>18</sup> Although the endowment of a human individual could be the result of a miraculous intervention by an omnipotent God, it could just as easily be the result of a God with knowledge

of universals or nature or chance. Some human beings are capable of legislating “true laws” and some are not. This much is certain: Alfarabi does not say that God gives laws to legislators as a mysterious act of will. It remains unclear, however, who Alfarabi considers to be the maker of the laws.

At the opening of the *Laws* the Athenian appears to drop the question as to who makes the law. After having answered the question about the “maker” of the laws inconclusively (and after vaguely describing the subject matter of their future discussion), the Athenian turns from the question about the “cause” as “maker” or “agent” to the question about the “cause” as “purpose.” Answering the latter question is an indirect way of answering the former. If a human being is capable of determining what the proper purpose of law is, then that person would not find it difficult to legislate—let alone to revise received legislation. In other words, if a human being is capable of determining what the cause of law is, in the sense of its purpose, then that human being should be capable of being the cause of law, in the sense of its agent. This inquiry into the purpose and, above all, into the agent of the law, which plays such a central role in medieval Muslim (as well as Jewish) political philosophy, is sometimes referred to as prophetology.<sup>19</sup> Once again, Avicenna’s description of the *Laws* shows itself to be apt.

The Athenian does not begin the inquiry into the purpose of the laws by asking his interlocutors, What is the proper purpose of law in general? but rather by asking them, What is the purpose of your laws—in particular, of your most distinctive laws concerning common meals, gymnastic, and the bearing of arms? Yet citizens stand in such a relation to their laws that they, like Kleinias, transform a question about their own laws into a question about laws as such (625e7 ff.). For citizens are taught to cherish their own laws as the best. Why should one obey the laws of one’s city if one believes that there are other laws that are better? In the following pages the Athenian shows Kleinias that either Kleinias does not understand the purpose of his own laws (630e–32d8) or his own laws do not have the proper purpose (634c–35b6). In either case, Kleinias is in need of an education as to what the proper purpose of law is. This education in the purpose, rather than in the art, of legislation is the primary subject matter of the *Laws* and the *Summary*. As I suggested earlier in this chapter, the inquiry into the purposes of the laws is the part of political science that is indispensable to the philosophic *mutakallim*.

As we saw in section 1, the purpose of the philosophic law (including the laws proper and the preludes) is to cure the disease of the soul. Thus, proper legislation depends upon a proper understanding of the “whole nature of souls.” The roots of the philosophic version of the divine law are specific opinions about God and the world, and so forth—namely, opinions that are compatible with the formation of certain kinds of souls. According to Thomas Pangle, “The science regarding soul is the same as the science regarding gods.”<sup>20</sup> At



least one possible meaning of this statement is that the kind of gods in which people believe determines to a great extent what kind of souls they will have. If people believe in an omnipotent God who is readily made jealous but who is merciful, they are likely to have humble souls. On the other hand, if they believe in a God who has a knowledge of universals and who suffers from no human passions, they are less likely to have humble souls. Of course, the humility or lack of humility of a city's population has a direct effect on its political life. Thus, the philosophic *mutakallim's* concern with the soul translates into a concern with its gods. Once again, the difference between the way in which the philosophic *mutakallim* is concerned with the gods and the way in which the popular *mutakallim* is concerned with the gods is that the former focuses on that which promotes the right kind of souls and thus the political community's well-being, whereas the latter focuses on that which promotes the community's popularly accepted religious traditions.

What kinds of opinions about the gods, and thus about the human soul, are conducive to the political well-being of a community? This question will remain at the center of my inquiry throughout the rest of this study, especially in part 3. For the present let it suffice to say that a common but incorrect answer to this question is, that the community should depend upon the gods to give them victory in battle. Although such a vision of the gods might give rise to hopefulness among citizens about achieving victory in battle, it may fail to foster martial virtue by reducing human self-reliance. In general, one of the crucial ways, perhaps the crucial way, in which the philosophic *mutakallim* modifies the popularly accepted opinions about the gods is to reduce the amount of influence on political events popularly attributed to them. Certain philosophic *mutakallimūn* have been so successful in reducing the political role of the gods that *kalām* has come to be misconstrued as their demonstrative *metaphysica specialis*.

### 3. How philosophic *kalām* becomes misconstrued as metaphysical doctrine

Aristotle is the leading example of a philosophic *mutakallim* who has been so successful in reducing the political role of the gods that his *kalām* has come to be construed as his metaphysical doctrine. Indeed, the accepted modern interpretation of bk. *Lambda* of his *Metaphysics* is that it presents what he intends to be his demonstrative *metaphysica specialis*. In contrast, Alfarabi explains in his *On the Purposes of Aristotle's Metaphysics* that bk. *Lambda* presents Aristotle's *kalām*.<sup>21</sup> Alfarabi's own account of the intention of this *kalām* is presented in the *Book of Letters*, his commentary on or interpretation of the *Metaphysics*. As Muhsin Mahdi has suggested, the second and middle section of the

*Book of Letters* is a commentary on one brief but striking passage in *Metaphysics*, bk. *Lambda* (1074a38–b14).<sup>22</sup> In this passage, Aristotle argues that in the most ancient religion among the Greeks there was a belief that the heavenly bodies are gods and that the natural whole is divine—a belief strikingly similar to the beliefs he defends in bk. *Lambda*. Modern human beings corrupted these purer beliefs by describing the gods as like human beings and animals to persuade the many “and as something useful for the laws and for matters of expediency.” The usefulness and expediency for law of anthropomorphic gods is readily apparent: such gods give great immediacy to threats of punishment for disobedience to the city’s laws.

Aristotle justifies his revised version of popular Greek religion by suggesting that his account of the astral gods is identical to the Greek religion that predated the anthropomorphic religion (*Metaphysics* 1074b1–14). In other words, he tries to persuade his reader that his account of the gods is more traditional than the tradition. He appeals to the prejudice in favor of tradition while revising the tradition. Alfarabi recapitulates this approach to *kalâm* in the *Book of Letters* in the following form: Philosophy precedes religion in time; philosophy is more traditional than the tradition.<sup>23</sup> Aristotle’s claim that his theology is more traditional than the tradition has at least two politically salutary effects: he shields himself from persecution and, of greater interest at present, he revises the traditional understanding of the gods by substituting his more philosophic theology for the popular theology. He would be thoroughly irresponsible in making this substitution if the resulting theology could not at least accommodate a political teaching that would fill the political role traditionally played by the popular theology, namely, persuading the many “and as something useful for the laws and for matters of expediency.” In other words, contrary to appearances, the *Metaphysics* must accommodate itself to politics even if it does not supply a political teaching. When one thinks of how that consummately political Socratic, Xenophon, portrays Socrates as arguing in favor of a teleological account of the whole (*Memorabilia* 4.3), one begins to wonder whether it is so implausible to suggest that even Aristotle’s apparently apolitical teleological theology has a political purpose.

Alfarabi uses the myth<sup>24</sup> that philosophy precedes religion to defend philosophy in his community in the following manner: First, if philosophy is older than religion, then it deserves the respect accorded the old. Second, religion not only emerges after philosophy but is an imitation of philosophy. And because often one religion follows another and the one that follows imitates its predecessor, the further a religion is from its origins in philosophy the more distant an imitation it becomes. Alternatively, sometimes a religion will emerge that is an imitation of a false philosophy. In either case, such an account of the emergence of religion makes it highly likely that one’s present religion is only a distant imitation of the truth or of true philosophy. Consequently, one should not

be surprised if adherents of one's religion attack contemporary adherents of philosophy because of the great divergence between philosophy and a distant imitation of philosophy.<sup>25</sup> One should assume that philosophers are unjustly accused when they are accused of heresy.

I am less interested here in the defense of philosophy that Alfarabi achieves with Aristotle's myth, however, than I am in how this argument is, as Aristotle says, "useful for the laws." By treating religion as an imitation of philosophy, Alfarabi makes it possible for religion to be made in the image of philosophy. "Metaphysics" is the means by which Alfarabi achieves this rationalization of religion. By replacing anthropomorphic gods with astral gods (or separate intellects or angels), Aristotle (and Alfarabi) considerably weaken the immediacy of punishment threatened by law. Indeed, Aristotle's political intention—although it is a negative political intention—is to transform the traditional gods, who like human beings have a personal stake in the affairs of human beings, into politically disinterested astral gods (very much like Plato's astral gods in bk. 10 of the *Laws*). On the other hand, by describing astral gods as the ruling part of a teleologically arranged whole, they offer some support to the law.

#### 4. *The roots of the laws revisited*

Bk. 10 contains Plato's *kalām* in much the same way that Alfarabi says bk. *Lambda* of Aristotle's *Metaphysics*, contains Aristotle's *kalām*. Alfarabi asserts, however, that Plato presents his "discussion" (*kalām*) of the laws' roots in bks. 1–8 (disc. 9.1). To understand this apparent contradiction, we need only recall that although the roots and their purpose are both theological for the traditional *mutakallim*, the roots and their purpose are different for the philosophic *mutakallim*. For the latter, the roots are theological, but their purpose is political or psychological. Bk. 10 does not contain the roots of Plato's law if one means by roots the ultimate purpose of law. Accordingly, Alfarabi says that what follows the opening of bk. 9—in other words, most of bk. 9 and bks. 10–12—"explains things that adorn and embellish the law and things that are consequences of the roots" (disc. 9.2). Insofar as the roots are the purposes of the laws, the laws are themselves the consequences of the roots. Most of bk. 9 and bks. 11 and 12 are taken up with legislation proper. Presumably, that which adorns and embellishes the law is what is left over once we take away most of bk. 9 and bks. 11 and 12, namely, bk. 10. Kleinias (a spirited soul) asserts that the theological prelude presented in bk. 10 is "just about [the] noblest and best prelude on behalf of all the laws" (887c). In spite of Kleinias's possible objections, however, the theological prelude to the law contained in bk. 10 is an adornment. (This is not to say, however, that adornments may not have substantial purposes. An account of the gods of the sort described in bk. 10 may be

indispensable for the cultivation of the indignant or spirited kind of soul that will rule in the second-best city described in the *Laws* [see especially disc. 5.9].) By omitting a summary of bk. 10, Alfarabi merely omits the adornments. This is unproblematic because Alfarabi's *Summary* strives, above all, to reveal Plato's intention rather than to recapitulate his text. Plato's highest intention is to understand the psychological or political purpose of the best laws. In summarizing the first nine books of the *Laws*, Alfarabi reveals the psychological purpose (or roots) of the laws. The heart of the *Summary* is bk. 5, whose leading theme is how to honor the soul. Plato presents the purpose of bk. 10 in bk. 5.

In bks. 4 and 5, the Athenian presents his, as opposed to Kleinias's, version of the prelude to the law as a whole. This version of the prelude falls into two parts or preludes along the line separating bk. 4 from bk. 5: First, in bk. 4 he presents a "prelude as regards the gods, those who come after the gods, and the living and dead ancestors" (724a). Second, in bk. 5 he presents a prelude as regards "how [human beings] should be serious and how they should relax as regards their own souls, their bodies, and their property" (724b). Alfarabi's interpretation of these two parts of the Athenian's prelude strips away the adornments of the law to reveal the purposes of the laws.

In his summary of the first part of the prelude, Alfarabi quickly undermines any inclination to view the account of the gods in this first part as belonging to the prelude to the law as a whole: He omits any mention of the striking opening of this part in which the Athenian announces that the god is the beginning, middle, and end of all things.<sup>26</sup> Alfarabi only notes that the gods are displeased with the arrogant human being (cf. disc. 4.9 with 716a4). Furthermore, he makes no mention, as Plato does, of people's need to sacrifice to, pray to, or serve the gods (cf. disc. 4.10 with 716c-18a). Their "support" is acquired, at least by the ruler, merely by his avoiding arrogance (which, as it so happens, is a way of serving other human beings rather than gods). The only things that Alfarabi suggests human beings need to care for are their own bodies, souls, and property; they should do so both for their own sake and for their family's sake (cf. 717c3). In other words, Alfarabi gives an account of the first part of the prelude (in bk. 4) that leaves it indistinguishable from the second part (in bk. 5). Finally, when Alfarabi turns to summarizing bk. 5, he does not mention the gods as those beings who must be honored before the human soul (disc. 5.1).<sup>27</sup> He merely notes that the human soul ranks third in divinity, and he chooses to add that the human soul is the noblest of things. What remains of the Athenian's prelude is an account of human being, and above all of the human soul. By reflection on this prelude one can begin to acquire the knowledge of the disease of the soul and the whole nature of the souls, i.e., of the true foundation of the revised divine law.

In modern political philosophy, Machiavelli initiated a concerted attack against religion. His loud declamations against Christianity led not to the revision of popular religion but to its near obliteration. If I am correct that politics can never be strictly rational, however, the ambition to obliterate religion was misplaced. Belief, which disappeared in one form, reappeared in another, in some ways less salutary, form.<sup>28</sup> At the same time, Machiavelli's loud declamations led eventually to an obliviousness of the need for philosophic *kalām*. The ultimate result was not that *kalām* was annihilated but that it became so intermingled with political science as to become indistinguishable from it: political science became ideology. Although positivism maintains an illusion of objectivity and neutrality, it has developed a decided preference for modern egalitarian political regimes. Such regimes are said to manifest the orderliness, symmetry, and equality characteristic of positivistic social science itself.

Under the illusion that modern Western culture is different in kind from all previous traditional cultures,<sup>29</sup> positivistic political science has become oblivious of the need for an art such as *kalām*. In reaction, postmodernism would have us believe that political science is nothing other than *kalām*. Thus, the postmodernists generally advocate the study of rhetoric rather than metaphysics and science. In contrast to both of these extreme positions, Alfarabi, through his interpretation of the *Laws*, describes both a dialectical inquiry into the purpose of law (political science)—which necessarily points beyond the rule of law to the rule of reason—and a rhetorical defense of law (*kalām*). As I will show, the rhetorical defense cannot be properly undertaken without a knowledge of the political science to which it is a supplement. On the other hand, political science is ill-equipped to make policy recommendations without a full recognition of the limitations political life places on rationality, limitations that circumscribe the subrational defense of law.